

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Geraldo A. MEDERO-GONZALEZ  
PETITIONER

C.A. 5-10624-MLW

Vs.

U.S. DEPARTMENT OF HOMELAND SECURITY,  
IMMIGRATION AND CUSTOMS ENFORCEMENT  
AGENCY AND AGENTS.

"Motion To Proceed in Forma Pauperis"

PETITIONER, GERALDO A. MEDERO-GONZALEZ, hereby respectfully  
MAKES THIS COURT TO WAIVE ANY AND ALL FILING FEE IN  
THE ABOVE CAPTIONED MATTER, AND ALLOW PETITIONER TO  
PROCEED IN FORMA PAUPERIS. IN SUPPORT OF THIS MOTION,  
PETITIONER ALLEGES AS FOLLOWS:

1) PETITIONER declares that he, GERALDO A. MEDERO  
GONZALEZ, is THE PETITIONER IN THE ABOVE-CAPTIONED  
MATTER AND IS AT THE PRESENT TIME, UNABLE TO PAY  
THE COST OF THESE PROCEEDINGS AND HE IS ENTITLED  
TO THE RELIEF SOUGHT IN THE COMPLAINT HABEAS  
PETITION, AS HE IS A MARIEL CUBAN NATIVE held  
in DETENTION FOR OVER 8 MONTHS.

2) PETITIONER IS CURRENTLY INCARCERATED AT THE  
PLYMOUTH COUNTY CORRECTIONAL FACILITY IN PLYMOUTH  
MASSACHUSETTS ON UNLAWFUL IMMIGRATION DETENTION.

**PROPERTY**

Do you own any real estate, stock, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing?) \_\_\_ Yes \_\_\_ No  
 If YES, give value and describe it:

Value	Description
<u>0</u>	<u>0</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

**DEPENDENTS**

Marital status:                      Total No. of Dependents: 1  
☒ Single  
☐ Married  
☐ Widowed  
☐ Separated or Divorced

List persons you actually support & your relationship

While I was at the State Prison I helped in the support  
of my son Jerry Joseph Gonzalez

**DEBTS & MONTHLY BILLS**

List all creditors, including banks, loan companies, charge accounts, etc.

Creditors:	Total Debt:	Monthly Payment:
Apt. or Home: <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>

I certify the above to be correct.

G. Gonzalez  
 Signature of movant

3-28-05  
 Date

**WARNING:** A false or dishonest answer to a question in this affidavit may be punishable by fine, imprisonment, or both.

3) PETITIONER IS NOT EMPLOYED AT THE INSTITUTION, NOR CAN HE BE EMPLOYED BECAUSE HE IS AN IMMIGRATION DETAINEE.

4.) PETITIONER HAS BEEN INCARCERATED FOR OVER 8 YEARS AND 7 MONTHS TOTAL. PETITIONER WAS TRANSFERRED TO THE PLYMOUTH CORRECTIONAL FACILITY ON DECEMBER 2, 2004 FROM CONCORD, NEW HAMPSHIRE STATE PRISON WHERE HE SERVED AND COMPLETED HIS STATE PRISON SENTENCE.

HOWEVER, PETITIONER CANNOT OBTAIN HIS LEDGER SHEET FROM SAID STATE PRISON SHOWING AT LEAST HIS PAST 6 MONTHS THERE.

5.) PETITIONER WAS ALLOWED TO PROCEED IN FORMA PAUPERIS IN THE NEW HAMPSHIRE FEDERAL DISTRICT COURT BASED ON HIS FINANCIAL AFFIDAVIT FILED IN HIS WRIT OF HABEAS CORPUS FILED ON OR ABOUT OCTOBER 13, 2004, DOCKET NUMBER 04-385-B, AND HIS INSTITUTIONAL LEDGER SHEET.

6) INCLUDED HEREIN PLEASE FIND A FINANCIAL AFFIDAVIT.

7.) THE PETITIONER HAVE NO MEANS FINANCIALLY TO PAY THE REQUIRED FEE OF \$250.<sup>00</sup>, AS NOT ONLY IS THE PETITIONER INCARCERATED UNDER INS DETENTION, AND THE PETITIONER HAS BEEN INCARCERATED

**FINANCIAL AFFIDAVIT**  
**In Support of a Motion to Proceed In Forma Pauperis**

Case Name: GERALDO L. MELERO-GONZALEZ V. U.S. Dept. Homeland Security

Docket Number: \_\_\_\_\_

**EMPLOYMENT**

Are you now employed? \_\_\_ Yes (No) Self Employed

Name & Address of Employer: NONE

If YES, how much do you earn per month? \$ 0

If NO, give month & year of last employment July 1996

How much did you earn per month? \$2000 - 2500 COMMISSION WORK

If married, is your spouse employed? \_\_\_ Yes (No)

If YES, how much does your spouse earn per month? \$ NONE

If a minor under age 21, what is your parents' or guardian's approximate monthly income?  
\$ NONE

**OTHER INCOME**

Have you received in the past 12 months any income from a business, profession, or other form of self-employment, or in the form of rent, payments, interest, dividends, retirement or annuity payments, or other sources? \_\_\_ Yes \_\_\_ No

If YES, give the amount received and identify sources:

Received

0

Sources:

0

**CASH**

Have you any cash on hand or money in savings, a prisoner trust fund account or checking account? \_\_\_ Yes (No)

If YES, state total amount \$ 0

FOR OVER 8 YEARS AND 7 MONTHS, BUT, PETITIONER IS NOT EVEN ALLOWED TO WORK FOR ANY PAY FEE AT HIS FACILITY DUE TO HIS IMMIGRATION DETAINEE STATUS.

WHEREFORE, THE PETITIONER PRAYS THAT THIS HONORABLE COURT GRANT THE FOLLOWING RELIEF;

- 1) GRANT PETITIONER'S MOTION TO PROCEED IN FORMA PAUPERIS;
- 2) GRANT THE PETITIONER'S REQUEST FOR WRIT OF HABEAS CORPUS, OR EXTRAORDINARY WRIT, AND ORDER HIS IMMEDIATE RELEASE FROM HIS UNLAWFUL AND UNCONSTITUTIONAL CONTINUED IMMIGRATION POST-REMOVAL DETENTION OVER 7 MONTHS PURSUANT TO THE UNITED STATES SUPREME COURT ORDER AND DECISION IN CLARK V. MARTINEZ, 125 S. CT. 716, 723 (2005); ZADVYLAS V. DAVIS, 533 U.S. 678, 694 (2001), AND WING V. UNITED STATES, 163 U.S. 228, 238 (1896). AND;
- 3) GRANT ANY OTHER AND FURTHER RELIEF WHICH THIS COURT DEEMS JUST AND PROPER.

Respectfully Submitted  
G. A. Niedero

GERALDE A. NIEDERO - GONZALEZ # 39051  
P.O. BOX 26 LONG POND RD.  
PLYMOUTH, MASSACHUSETTS, 02360

(3)

DATE: 3-28-05